



Sen. Kwame Raoul

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LRB098 02638 RLC 46757 a

1 AMENDMENT TO HOUSE BILL 1189

2 AMENDMENT NO. _____. Amend House Bill 1189 by replacing
3 the title with the following:

4 "AN ACT concerning criminal law, which may be referred to
5 as the Gun Safety and Responsibility Act."; and

6 by replacing everything after the enacting clause with the
7 following:

8 "Section 5. The Firearm Owners Identification Card Act is
9 amended by changing Sections 3, 3.3, and 8 as follows:

10 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

11 Sec. 3. (a) Except as provided in Section 3a, no person may
12 knowingly transfer, or cause to be transferred, any firearm,
13 firearm ammunition, stun gun, or taser to any person within
14 this State unless the transferee with whom he deals displays a
15 currently valid Firearm Owner's Identification Card which has

1 previously been issued in his name by the Department of State
2 Police under the provisions of this Act. In addition, all
3 firearm, stun gun, and taser transfers by federally licensed
4 firearm dealers are subject to Section 3.1.

5 (a-5) Any person who is not a federally licensed firearm
6 dealer and who desires to transfer or sell a firearm while that
7 person is on the grounds of a gun show must, before selling or
8 transferring the firearm, request the Department of State
9 Police to conduct a background check on the prospective
10 recipient of the firearm in accordance with Section 3.1.

11 (a-10) Any person who is not a federally licensed firearm
12 dealer and who desires to transfer or sell a firearm or
13 firearms to any person who is not a federally licensed firearm
14 dealer shall, before selling or transferring the firearms,
15 contact the Department of State Police with the transferee's or
16 purchaser's Firearm Owner's Identification Card number to
17 determine the validity of the transferee's or purchaser's
18 Firearm Owner's Identification Card. This subsection shall not
19 be effective until January 1, 2014. The Department of State
20 Police may adopt rules concerning the implementation of this
21 subsection. The Department of State Police shall provide the
22 seller or transferor an approval number if the purchaser's
23 Firearm Owner's Identification Card is valid. Approvals issued
24 by the Department for the purchase of a firearm pursuant to
25 this subsection are valid for 30 days from the date of issue.

26 (a-15) The provisions of subsection (a-10) of this Section

1 do not apply to:

2 (1) transfers that occur at the place of business of a
3 federally licensed firearm dealer, if the federally
4 licensed firearm dealer conducts a background check on the
5 prospective recipient of the firearm in accordance with
6 Section 3.1 of this Act and follows all other applicable
7 federal, State, and local laws as if he or she were the
8 seller or transferor of the firearm, although the dealer is
9 not required to accept the firearm into his or her
10 inventory. The purchaser or transferee may be required by
11 the federally licensed firearm dealer to pay a fee not to
12 exceed \$10 per firearm, which the dealer may retain as
13 compensation for performing the functions required under
14 this paragraph, plus the applicable fees authorized by
15 Section 3.1;

16 (2) transfers as a bona fide gift to the transferor's
17 husband, wife, son, daughter, stepson, stepdaughter,
18 father, mother, stepfather, stepmother, brother, sister,
19 nephew, niece, uncle, aunt, grandfather, grandmother,
20 grandson, granddaughter, father-in-law, mother-in-law,
21 son-in-law, or daughter-in-law;

22 (3) transfers by persons acting pursuant to operation
23 of law or a court order;

24 (4) transfers on the grounds of a gun show under
25 subsection (a-5) of this Section;

26 (5) the delivery of a firearm by its owner to a

1 gunsmith for service or repair, the return of the firearm
2 to its owner by the gunsmith, or the delivery of a firearm
3 by a gunsmith to a federally licensed firearms dealer for
4 service or repair and the return of the firearm to the
5 gunsmith;

6 (6) temporary transfers that occur while in the home of
7 the unlicensed transferee, if the unlicensed transferee is
8 not otherwise prohibited from possessing firearms and the
9 unlicensed transferee reasonably believes that possession
10 of the firearm is necessary to prevent imminent death or
11 great bodily harm to the unlicensed transferee;

12 (7) transfers to a law enforcement or corrections
13 agency or a law enforcement or corrections officer acting
14 within the course and scope of his or her official duties;

15 (8) transfers of firearms that have been rendered
16 permanently inoperable to a nonprofit historical society,
17 museum, or institutional collection; and

18 (9) transfers to a person who is exempt from the
19 requirement of possessing a Firearm Owner's Identification
20 Card under Section 2 of this Act.

21 (a-20) The Department of State Police shall develop an
22 Internet-based system for individuals to determine the
23 validity of a Firearm Owner's Identification Card prior to the
24 sale or transfer of a firearm. The Department shall have the
25 Internet-based system completed and available for use by July
26 1, 2015. The Department shall adopt rules not inconsistent with

1 this Section to implement this system.

2 (b) Any person within this State who transfers or causes to
3 be transferred any firearm, stun gun, or taser shall keep a
4 record of such transfer for a period of 10 years from the date
5 of transfer. Such record shall contain the date of the
6 transfer; the description, serial number or other information
7 identifying the firearm, stun gun, or taser if no serial number
8 is available; and, if the transfer was completed within this
9 State, the transferee's Firearm Owner's Identification Card
10 number and any approval number or documentation provided by the
11 Department of State Police pursuant to subsection (a-10) of
12 this Section. On or after January 1, 2006, the record shall
13 contain the date of application for transfer of the firearm. On
14 demand of a peace officer such transferor shall produce for
15 inspection such record of transfer. If the transfer or sale
16 took place at a gun show, the record shall include the unique
17 identification number. Failure to record the unique
18 identification number or approval number is a petty offense.

19 (b-5) Any resident may purchase ammunition from a person
20 within or outside of Illinois if shipment is by United States
21 mail or by a private express carrier authorized by federal law
22 to ship ammunition. Any resident purchasing ammunition within
23 or outside the State of Illinois must provide the seller with a
24 copy of his or her valid Firearm Owner's Identification Card
25 and either his or her Illinois driver's license or Illinois
26 State Identification Card prior to the shipment of the

1 ammunition. The ammunition may be shipped only to an address on
2 either of those 2 documents.

3 (c) The provisions of this Section regarding the transfer
4 of firearm ammunition shall not apply to those persons
5 specified in paragraph (b) of Section 2 of this Act.

6 (Source: P.A. 97-1135, eff. 12-4-12.)

7 (430 ILCS 65/3.3)

8 Sec. 3.3. Report to the local law enforcement agency. The
9 Department of State Police must report the name and address of
10 a person to the local law enforcement agency where the person
11 resides if the person attempting to purchase a firearm is
12 disqualified from purchasing a firearm because of information
13 obtained under subsection (a-10) of Section 3 or Section 3.1
14 that would disqualify the person from obtaining a Firearm
15 Owner's Identification Card under any of subsections (c)
16 through (n) of Section 8 of this Act.

17 (Source: P.A. 94-125, eff. 1-1-06.)

18 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

19 (Text of Section before amendment by P.A. 97-1167)

20 Sec. 8. Grounds for denial and revocation.

21 The Department of State Police has authority to deny an
22 application for or to revoke and seize a Firearm Owner's
23 Identification Card previously issued under this Act only if
24 the Department finds that the applicant or the person to whom

1 such card was issued is or was at the time of issuance:

2 (a) A person under 21 years of age who has been
3 convicted of a misdemeanor other than a traffic offense or
4 adjudged delinquent;

5 (b) A person under 21 years of age who does not have
6 the written consent of his parent or guardian to acquire
7 and possess firearms and firearm ammunition, or whose
8 parent or guardian has revoked such written consent, or
9 where such parent or guardian does not qualify to have a
10 Firearm Owner's Identification Card;

11 (c) A person convicted of a felony under the laws of
12 this or any other jurisdiction;

13 (d) A person addicted to narcotics;

14 (e) A person who has been a patient of a mental
15 institution within the past 5 years. An active law
16 enforcement officer employed by a unit of government who is
17 denied, revoked, or has his or her Firearm Owner's
18 Identification Card seized under this subsection (e) may
19 obtain relief as described in subsection (c-5) of Section
20 10 of this Act if the officer did not act in a manner
21 threatening to the officer, another person, or the public
22 as determined by the treating clinical psychologist or
23 physician, and the officer seeks mental health treatment ~~or~~
24 has been adjudicated as a mental defective;

25 (f) A person whose mental condition is of such a nature
26 that it poses a clear and present danger to the applicant,

1 any other person or persons or the community;

2 For the purposes of this Section, "mental condition"
3 means a state of mind manifested by violent, suicidal,
4 threatening or assaultive behavior.

5 (g) A person who is intellectually disabled;

6 (h) A person who intentionally makes a false statement
7 in the Firearm Owner's Identification Card application;

8 (i) An alien who is unlawfully present in the United
9 States under the laws of the United States;

10 (i-5) An alien who has been admitted to the United
11 States under a non-immigrant visa (as that term is defined
12 in Section 101(a)(26) of the Immigration and Nationality
13 Act (8 U.S.C. 1101(a)(26))), except that this subsection
14 (i-5) does not apply to any alien who has been lawfully
15 admitted to the United States under a non-immigrant visa if
16 that alien is:

17 (1) admitted to the United States for lawful hunting or
18 sporting purposes;

19 (2) an official representative of a foreign government
20 who is:

21 (A) accredited to the United States Government or
22 the Government's mission to an international
23 organization having its headquarters in the United
24 States; or

25 (B) en route to or from another country to which
26 that alien is accredited;

1 (3) an official of a foreign government or
2 distinguished foreign visitor who has been so
3 designated by the Department of State;

4 (4) a foreign law enforcement officer of a friendly
5 foreign government entering the United States on
6 official business; or

7 (5) one who has received a waiver from the Attorney
8 General of the United States pursuant to 18 U.S.C.
9 922(y)(3);

10 (j) (Blank);

11 (k) A person who has been convicted within the past 5
12 years of battery, assault, aggravated assault, violation
13 of an order of protection, or a substantially similar
14 offense in another jurisdiction, in which a firearm was
15 used or possessed;

16 (l) A person who has been convicted of domestic
17 battery, aggravated domestic battery, or a substantially
18 similar offense in another jurisdiction committed before,
19 on or after January 1, 2012 (the effective date of Public
20 Act 97-158). If the applicant or person who has been
21 previously issued a Firearm Owner's Identification Card
22 under this Act knowingly and intelligently waives the right
23 to have an offense described in this paragraph (l) tried by
24 a jury, and by guilty plea or otherwise, results in a
25 conviction for an offense in which a domestic relationship
26 is not a required element of the offense but in which a

1 determination of the applicability of 18 U.S.C. 922(g)(9)
2 is made under Section 112A-11.1 of the Code of Criminal
3 Procedure of 1963, an entry by the court of a judgment of
4 conviction for that offense shall be grounds for denying an
5 application for and for revoking and seizing a Firearm
6 Owner's Identification Card previously issued to the
7 person under this Act;

8 (m) (Blank);

9 (n) A person who is prohibited from acquiring or
10 possessing firearms or firearm ammunition by any Illinois
11 State statute or by federal law;

12 (o) A minor subject to a petition filed under Section
13 5-520 of the Juvenile Court Act of 1987 alleging that the
14 minor is a delinquent minor for the commission of an
15 offense that if committed by an adult would be a felony;

16 (p) An adult who had been adjudicated a delinquent
17 minor under the Juvenile Court Act of 1987 for the
18 commission of an offense that if committed by an adult
19 would be a felony; or

20 (q) A person who is not a resident of the State of
21 Illinois, except as provided in subsection (a-10) of
22 Section 4.

23 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,
24 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13.)

25 (Text of Section after amendment by P.A. 97-1167)

1 Sec. 8. Grounds for denial and revocation.

2 The Department of State Police has authority to deny an
3 application for or to revoke and seize a Firearm Owner's
4 Identification Card previously issued under this Act only if
5 the Department finds that the applicant or the person to whom
6 such card was issued is or was at the time of issuance:

7 (a) A person under 21 years of age who has been
8 convicted of a misdemeanor other than a traffic offense or
9 adjudged delinquent;

10 (b) A person under 21 years of age who does not have
11 the written consent of his parent or guardian to acquire
12 and possess firearms and firearm ammunition, or whose
13 parent or guardian has revoked such written consent, or
14 where such parent or guardian does not qualify to have a
15 Firearm Owner's Identification Card;

16 (c) A person convicted of a felony under the laws of
17 this or any other jurisdiction;

18 (d) A person addicted to narcotics;

19 (e) A person who has been a patient of a mental
20 institution within the past 5 years. An active law
21 enforcement officer employed by a unit of government who is
22 denied, revoked, or has his or her Firearm Owner's
23 Identification Card seized under this subsection (e) may
24 obtain relief as described in subsection (c-5) of Section
25 10 of this Act if the officer did not act in a manner
26 threatening to the officer, another person, or the public

1 as determined by the treating clinical psychologist or
2 physician, and the officer seeks mental health treatment;

3 (f) A person whose mental condition is of such a nature
4 that it poses a clear and present danger to the applicant,
5 any other person or persons or the community;

6 For the purposes of this Section, "mental condition"
7 means a state of mind manifested by violent, suicidal,
8 threatening or assaultive behavior.

9 (g) A person who is intellectually disabled;

10 (h) A person who intentionally makes a false statement
11 in the Firearm Owner's Identification Card application;

12 (i) An alien who is unlawfully present in the United
13 States under the laws of the United States;

14 (i-5) An alien who has been admitted to the United
15 States under a non-immigrant visa (as that term is defined
16 in Section 101(a)(26) of the Immigration and Nationality
17 Act (8 U.S.C. 1101(a)(26))), except that this subsection
18 (i-5) does not apply to any alien who has been lawfully
19 admitted to the United States under a non-immigrant visa if
20 that alien is:

21 (1) admitted to the United States for lawful hunting or
22 sporting purposes;

23 (2) an official representative of a foreign government
24 who is:

25 (A) accredited to the United States Government or
26 the Government's mission to an international

1 organization having its headquarters in the United
2 States; or

3 (B) en route to or from another country to which
4 that alien is accredited;

5 (3) an official of a foreign government or
6 distinguished foreign visitor who has been so
7 designated by the Department of State;

8 (4) a foreign law enforcement officer of a friendly
9 foreign government entering the United States on
10 official business; or

11 (5) one who has received a waiver from the Attorney
12 General of the United States pursuant to 18 U.S.C.
13 922(y)(3);

14 (j) (Blank);

15 (k) A person who has been convicted within the past 5
16 years of battery, assault, aggravated assault, violation
17 of an order of protection, or a substantially similar
18 offense in another jurisdiction, in which a firearm was
19 used or possessed;

20 (l) A person who has been convicted of domestic
21 battery, aggravated domestic battery, or a substantially
22 similar offense in another jurisdiction committed before,
23 on or after January 1, 2012 (the effective date of Public
24 Act 97-158). If the applicant or person who has been
25 previously issued a Firearm Owner's Identification Card
26 under this Act knowingly and intelligently waives the right

1 to have an offense described in this paragraph (l) tried by
2 a jury, and by guilty plea or otherwise, results in a
3 conviction for an offense in which a domestic relationship
4 is not a required element of the offense but in which a
5 determination of the applicability of 18 U.S.C. 922(g)(9)
6 is made under Section 112A-11.1 of the Code of Criminal
7 Procedure of 1963, an entry by the court of a judgment of
8 conviction for that offense shall be grounds for denying an
9 application for and for revoking and seizing a Firearm
10 Owner's Identification Card previously issued to the
11 person under this Act;

12 (m) (Blank);

13 (n) A person who is prohibited from acquiring or
14 possessing firearms or firearm ammunition by any Illinois
15 State statute or by federal law;

16 (o) A minor subject to a petition filed under Section
17 5-520 of the Juvenile Court Act of 1987 alleging that the
18 minor is a delinquent minor for the commission of an
19 offense that if committed by an adult would be a felony;

20 (p) An adult who had been adjudicated a delinquent
21 minor under the Juvenile Court Act of 1987 for the
22 commission of an offense that if committed by an adult
23 would be a felony;

24 (q) A person who is not a resident of the State of
25 Illinois, except as provided in subsection (a-10) of
26 Section 4; or

1 (r) A person who has been adjudicated as a mental
2 defective.

3 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,
4 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13;
5 97-1167, eff. 6-1-13.)

6 Section 10. The Criminal Code of 2012 is amended by
7 changing Section 24-3 and adding Section 24-4.1 as follows:

8 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

9 (Text of Section before amendment by P.A. 97-1167)

10 Sec. 24-3. Unlawful sale or delivery of firearms.

11 (A) A person commits the offense of unlawful sale or
12 delivery of firearms when he or she knowingly does any of the
13 following:

14 (a) Sells or gives any firearm of a size which may be
15 concealed upon the person to any person under 18 years of
16 age.

17 (b) Sells or gives any firearm to a person under 21
18 years of age who has been convicted of a misdemeanor other
19 than a traffic offense or adjudged delinquent.

20 (c) Sells or gives any firearm to any narcotic addict.

21 (d) Sells or gives any firearm to any person who has
22 been convicted of a felony under the laws of this or any
23 other jurisdiction.

24 (e) Sells or gives any firearm to any person who has

1 been a patient in a mental hospital within the past 5
2 years.

3 (f) Sells or gives any firearms to any person who is
4 intellectually disabled.

5 (g) Delivers any firearm of a size which may be
6 concealed upon the person, incidental to a sale, without
7 withholding delivery of such firearm for at least 72 hours
8 after application for its purchase has been made, or
9 delivers any rifle, shotgun or other long gun, or a stun
10 gun or taser, incidental to a sale, without withholding
11 delivery of such rifle, shotgun or other long gun, or a
12 stun gun or taser for at least 24 hours after application
13 for its purchase has been made. However, this paragraph (g)
14 does not apply to: (1) the sale of a firearm to a law
15 enforcement officer if the seller of the firearm knows that
16 the person to whom he or she is selling the firearm is a
17 law enforcement officer or the sale of a firearm to a
18 person who desires to purchase a firearm for use in
19 promoting the public interest incident to his or her
20 employment as a bank guard, armed truck guard, or other
21 similar employment; (2) a mail order sale of a firearm to a
22 nonresident of Illinois under which the firearm is mailed
23 to a point outside the boundaries of Illinois; (3) the sale
24 of a firearm to a nonresident of Illinois while at a
25 firearm showing or display recognized by the Illinois
26 Department of State Police; or (4) the sale of a firearm to

1 a dealer licensed as a federal firearms dealer under
2 Section 923 of the federal Gun Control Act of 1968 (18
3 U.S.C. 923). For purposes of this paragraph (g),
4 "application" means when the buyer and seller reach an
5 agreement to purchase a firearm.

6 (h) While holding any license as a dealer, importer,
7 manufacturer or pawnbroker under the federal Gun Control
8 Act of 1968, manufactures, sells or delivers to any
9 unlicensed person a handgun having a barrel, slide, frame
10 or receiver which is a die casting of zinc alloy or any
11 other nonhomogeneous metal which will melt or deform at a
12 temperature of less than 800 degrees Fahrenheit. For
13 purposes of this paragraph, (1) "firearm" is defined as in
14 the Firearm Owners Identification Card Act; and (2)
15 "handgun" is defined as a firearm designed to be held and
16 fired by the use of a single hand, and includes a
17 combination of parts from which such a firearm can be
18 assembled.

19 (i) Sells or gives a firearm of any size to any person
20 under 18 years of age who does not possess a valid Firearm
21 Owner's Identification Card.

22 (j) Sells or gives a firearm while engaged in the
23 business of selling firearms at wholesale or retail without
24 being licensed as a federal firearms dealer under Section
25 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
26 In this paragraph (j):

1 A person "engaged in the business" means a person who
2 devotes time, attention, and labor to engaging in the
3 activity as a regular course of trade or business with the
4 principal objective of livelihood and profit, but does not
5 include a person who makes occasional repairs of firearms
6 or who occasionally fits special barrels, stocks, or
7 trigger mechanisms to firearms.

8 "With the principal objective of livelihood and
9 profit" means that the intent underlying the sale or
10 disposition of firearms is predominantly one of obtaining
11 livelihood and pecuniary gain, as opposed to other intents,
12 such as improving or liquidating a personal firearms
13 collection; however, proof of profit shall not be required
14 as to a person who engages in the regular and repetitive
15 purchase and disposition of firearms for criminal purposes
16 or terrorism.

17 (k) Sells or transfers ownership of a firearm to a
18 person who does not display to the seller or transferor of
19 the firearm a currently valid Firearm Owner's
20 Identification Card that has previously been issued in the
21 transferee's name by the Department of State Police under
22 the provisions of the Firearm Owners Identification Card
23 Act. This paragraph (k) does not apply to the transfer of a
24 firearm to a person who is exempt from the requirement of
25 possessing a Firearm Owner's Identification Card under
26 Section 2 of the Firearm Owners Identification Card Act.

1 For the purposes of this Section, a currently valid Firearm
2 Owner's Identification Card means (i) a Firearm Owner's
3 Identification Card that has not expired or (ii) ~~if the~~
4 ~~transferor is licensed as a federal firearms dealer under~~
5 ~~Section 923 of the federal Gun Control Act of 1968 (18~~
6 ~~U.S.C. 923),~~ an approval number issued in accordance with
7 subsection (a-10) of Section 3 or Section 3.1 of the
8 Firearm Owners Identification Card Act shall be proof that
9 the Firearm Owner's Identification Card was valid.

10 (1) In addition to the other requirements of this
11 paragraph (k), all persons who are not federally
12 licensed firearms dealers must also have complied with
13 subsection (a-10) of Section 3 of the Firearms Owners
14 Identification Card Act by determining the validity of
15 a purchaser's Firearms Owner's Identification Card.

16 (2) All sellers or transferors who have complied
17 with the requirements of subparagraph (1) of this
18 paragraph (k) shall not be liable for damages in any
19 civil action arising from the use or misuse by the
20 transferee of the firearm transferred, except for
21 willful or wanton misconduct on the part of the seller
22 or transferor.

23 (1) Not being entitled to the possession of a firearm,
24 delivers the firearm, knowing it to have been stolen or
25 converted. It may be inferred that a person who possesses a
26 firearm with knowledge that its serial number has been

1 removed or altered has knowledge that the firearm is stolen
2 or converted.

3 (B) Paragraph (h) of subsection (A) does not include
4 firearms sold within 6 months after enactment of Public Act
5 78-355 (approved August 21, 1973, effective October 1, 1973),
6 nor is any firearm legally owned or possessed by any citizen or
7 purchased by any citizen within 6 months after the enactment of
8 Public Act 78-355 subject to confiscation or seizure under the
9 provisions of that Public Act. Nothing in Public Act 78-355
10 shall be construed to prohibit the gift or trade of any firearm
11 if that firearm was legally held or acquired within 6 months
12 after the enactment of that Public Act.

13 (C) Sentence.

14 (1) Any person convicted of unlawful sale or delivery
15 of firearms in violation of paragraph (c), (e), (f), (g),
16 or (h) of subsection (A) commits a Class 4 felony.

17 (2) Any person convicted of unlawful sale or delivery
18 of firearms in violation of paragraph (b) or (i) of
19 subsection (A) commits a Class 3 felony.

20 (3) Any person convicted of unlawful sale or delivery
21 of firearms in violation of paragraph (a) of subsection (A)
22 commits a Class 2 felony.

23 (4) Any person convicted of unlawful sale or delivery
24 of firearms in violation of paragraph (a), (b), or (i) of
25 subsection (A) in any school, on the real property
26 comprising a school, within 1,000 feet of the real property

1 comprising a school, at a school related activity, or on or
2 within 1,000 feet of any conveyance owned, leased, or
3 contracted by a school or school district to transport
4 students to or from school or a school related activity,
5 regardless of the time of day or time of year at which the
6 offense was committed, commits a Class 1 felony. Any person
7 convicted of a second or subsequent violation of unlawful
8 sale or delivery of firearms in violation of paragraph (a),
9 (b), or (i) of subsection (A) in any school, on the real
10 property comprising a school, within 1,000 feet of the real
11 property comprising a school, at a school related activity,
12 or on or within 1,000 feet of any conveyance owned, leased,
13 or contracted by a school or school district to transport
14 students to or from school or a school related activity,
15 regardless of the time of day or time of year at which the
16 offense was committed, commits a Class 1 felony for which
17 the sentence shall be a term of imprisonment of no less
18 than 5 years and no more than 15 years.

19 (5) Any person convicted of unlawful sale or delivery
20 of firearms in violation of paragraph (a) or (i) of
21 subsection (A) in residential property owned, operated, or
22 managed by a public housing agency or leased by a public
23 housing agency as part of a scattered site or mixed-income
24 development, in a public park, in a courthouse, on
25 residential property owned, operated, or managed by a
26 public housing agency or leased by a public housing agency

1 as part of a scattered site or mixed-income development, on
2 the real property comprising any public park, on the real
3 property comprising any courthouse, or on any public way
4 within 1,000 feet of the real property comprising any
5 public park, courthouse, or residential property owned,
6 operated, or managed by a public housing agency or leased
7 by a public housing agency as part of a scattered site or
8 mixed-income development commits a Class 2 felony.

9 (6) Any person convicted of unlawful sale or delivery
10 of firearms in violation of paragraph (j) of subsection (A)
11 commits a Class A misdemeanor. A second or subsequent
12 violation is a Class 4 felony.

13 (7) Any person convicted of unlawful sale or delivery
14 of firearms in violation of paragraph (k) of subsection (A)
15 commits a Class 4 felony, except that a violation of
16 subparagraph (1) of paragraph (k) of subsection (A) shall
17 not be punishable as a crime or petty offense. A third or
18 subsequent conviction for a violation of paragraph (k) of
19 subsection (A) is a Class 1 felony.

20 (8) A person 18 years of age or older convicted of
21 unlawful sale or delivery of firearms in violation of
22 paragraph (a) or (i) of subsection (A), when the firearm
23 that was sold or given to another person under 18 years of
24 age was used in the commission of or attempt to commit a
25 forcible felony, shall be fined or imprisoned, or both, not
26 to exceed the maximum provided for the most serious

1 forcible felony so committed or attempted by the person
2 under 18 years of age who was sold or given the firearm.

3 (9) Any person convicted of unlawful sale or delivery
4 of firearms in violation of paragraph (d) of subsection (A)
5 commits a Class 3 felony.

6 (10) Any person convicted of unlawful sale or delivery
7 of firearms in violation of paragraph (l) of subsection (A)
8 commits a Class 2 felony if the delivery is of one firearm.

9 Any person convicted of unlawful sale or delivery of
10 firearms in violation of paragraph (l) of subsection (A)
11 commits a Class 1 felony if the delivery is of not less
12 than 2 and not more than 5 firearms at the same time or
13 within a one year period. Any person convicted of unlawful
14 sale or delivery of firearms in violation of paragraph (l)
15 of subsection (A) commits a Class X felony for which he or
16 she shall be sentenced to a term of imprisonment of not
17 less than 6 years and not more than 30 years if the
18 delivery is of not less than 6 and not more than 10
19 firearms at the same time or within a 2 year period. Any
20 person convicted of unlawful sale or delivery of firearms
21 in violation of paragraph (l) of subsection (A) commits a
22 Class X felony for which he or she shall be sentenced to a
23 term of imprisonment of not less than 6 years and not more
24 than 40 years if the delivery is of not less than 11 and
25 not more than 20 firearms at the same time or within a 3
26 year period. Any person convicted of unlawful sale or

1 delivery of firearms in violation of paragraph (l) of
2 subsection (A) commits a Class X felony for which he or she
3 shall be sentenced to a term of imprisonment of not less
4 than 6 years and not more than 50 years if the delivery is
5 of not less than 21 and not more than 30 firearms at the
6 same time or within a 4 year period. Any person convicted
7 of unlawful sale or delivery of firearms in violation of
8 paragraph (l) of subsection (A) commits a Class X felony
9 for which he or she shall be sentenced to a term of
10 imprisonment of not less than 6 years and not more than 60
11 years if the delivery is of 31 or more firearms at the same
12 time or within a 5 year period.

13 (D) For purposes of this Section:

14 "School" means a public or private elementary or secondary
15 school, community college, college, or university.

16 "School related activity" means any sporting, social,
17 academic, or other activity for which students' attendance or
18 participation is sponsored, organized, or funded in whole or in
19 part by a school or school district.

20 (E) A prosecution for a violation of paragraph (k) of
21 subsection (A) of this Section may be commenced within 6 years
22 after the commission of the offense. A prosecution for a
23 violation of this Section other than paragraph (g) of
24 subsection (A) of this Section may be commenced within 5 years
25 after the commission of the offense defined in the particular
26 paragraph.

1 (Source: P.A. 96-190, eff. 1-1-10; 97-227, eff. 1-1-12; 97-347,
2 eff. 1-1-12; 97-813, eff. 7-13-12.)

3 (Text of Section after amendment by P.A. 97-1167)

4 Sec. 24-3. Unlawful sale or delivery of firearms.

5 (A) A person commits the offense of unlawful sale or
6 delivery of firearms when he or she knowingly does any of the
7 following:

8 (a) Sells or gives any firearm of a size which may be
9 concealed upon the person to any person under 18 years of
10 age.

11 (b) Sells or gives any firearm to a person under 21
12 years of age who has been convicted of a misdemeanor other
13 than a traffic offense or adjudged delinquent.

14 (c) Sells or gives any firearm to any narcotic addict.

15 (d) Sells or gives any firearm to any person who has
16 been convicted of a felony under the laws of this or any
17 other jurisdiction.

18 (e) Sells or gives any firearm to any person who has
19 been a patient in a mental institution within the past 5
20 years. In this subsection (e):

21 "Mental institution" means any hospital,
22 institution, clinic, evaluation facility, mental
23 health center, or part thereof, which is used primarily
24 for the care or treatment of persons with mental
25 illness.

1 "Patient in a mental institution" means the person
2 was admitted, either voluntarily or involuntarily, to
3 a mental institution for mental health treatment,
4 unless the treatment was voluntary and solely for an
5 alcohol abuse disorder and no other secondary
6 substance abuse disorder or mental illness.

7 (f) Sells or gives any firearms to any person who is
8 intellectually disabled.

9 (g) Delivers any firearm of a size which may be
10 concealed upon the person, incidental to a sale, without
11 withholding delivery of such firearm for at least 72 hours
12 after application for its purchase has been made, or
13 delivers any rifle, shotgun or other long gun, or a stun
14 gun or taser, incidental to a sale, without withholding
15 delivery of such rifle, shotgun or other long gun, or a
16 stun gun or taser for at least 24 hours after application
17 for its purchase has been made. However, this paragraph (g)
18 does not apply to: (1) the sale of a firearm to a law
19 enforcement officer if the seller of the firearm knows that
20 the person to whom he or she is selling the firearm is a
21 law enforcement officer or the sale of a firearm to a
22 person who desires to purchase a firearm for use in
23 promoting the public interest incident to his or her
24 employment as a bank guard, armed truck guard, or other
25 similar employment; (2) a mail order sale of a firearm to a
26 nonresident of Illinois under which the firearm is mailed

1 to a point outside the boundaries of Illinois; (3) the sale
2 of a firearm to a nonresident of Illinois while at a
3 firearm showing or display recognized by the Illinois
4 Department of State Police; or (4) the sale of a firearm to
5 a dealer licensed as a federal firearms dealer under
6 Section 923 of the federal Gun Control Act of 1968 (18
7 U.S.C. 923). For purposes of this paragraph (g),
8 "application" means when the buyer and seller reach an
9 agreement to purchase a firearm.

10 (h) While holding any license as a dealer, importer,
11 manufacturer or pawnbroker under the federal Gun Control
12 Act of 1968, manufactures, sells or delivers to any
13 unlicensed person a handgun having a barrel, slide, frame
14 or receiver which is a die casting of zinc alloy or any
15 other nonhomogeneous metal which will melt or deform at a
16 temperature of less than 800 degrees Fahrenheit. For
17 purposes of this paragraph, (1) "firearm" is defined as in
18 the Firearm Owners Identification Card Act; and (2)
19 "handgun" is defined as a firearm designed to be held and
20 fired by the use of a single hand, and includes a
21 combination of parts from which such a firearm can be
22 assembled.

23 (i) Sells or gives a firearm of any size to any person
24 under 18 years of age who does not possess a valid Firearm
25 Owner's Identification Card.

26 (j) Sells or gives a firearm while engaged in the

1 business of selling firearms at wholesale or retail without
2 being licensed as a federal firearms dealer under Section
3 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
4 In this paragraph (j):

5 A person "engaged in the business" means a person who
6 devotes time, attention, and labor to engaging in the
7 activity as a regular course of trade or business with the
8 principal objective of livelihood and profit, but does not
9 include a person who makes occasional repairs of firearms
10 or who occasionally fits special barrels, stocks, or
11 trigger mechanisms to firearms.

12 "With the principal objective of livelihood and
13 profit" means that the intent underlying the sale or
14 disposition of firearms is predominantly one of obtaining
15 livelihood and pecuniary gain, as opposed to other intents,
16 such as improving or liquidating a personal firearms
17 collection; however, proof of profit shall not be required
18 as to a person who engages in the regular and repetitive
19 purchase and disposition of firearms for criminal purposes
20 or terrorism.

21 (k) Sells or transfers ownership of a firearm to a
22 person who does not display to the seller or transferor of
23 the firearm a currently valid Firearm Owner's
24 Identification Card that has previously been issued in the
25 transferee's name by the Department of State Police under
26 the provisions of the Firearm Owners Identification Card

1 Act. This paragraph (k) does not apply to the transfer of a
2 firearm to a person who is exempt from the requirement of
3 possessing a Firearm Owner's Identification Card under
4 Section 2 of the Firearm Owners Identification Card Act.
5 For the purposes of this Section, a currently valid Firearm
6 Owner's Identification Card means (i) a Firearm Owner's
7 Identification Card that has not expired or (ii) ~~if the~~
8 ~~transferor is licensed as a federal firearms dealer under~~
9 ~~Section 923 of the federal Gun Control Act of 1968 (18~~
10 ~~U.S.C. 923),~~ an approval number issued in accordance with
11 subsection (a-10) of subsection 3 or Section 3.1 of the
12 Firearm Owners Identification Card Act shall be proof that
13 the Firearm Owner's Identification Card was valid.

14 (1) In addition to the other requirements of this
15 paragraph (k), all persons who are not federally
16 licensed firearms dealers must also have complied with
17 subsection (a-10) of Section 3 of the Firearms Owners
18 Identification Card Act by determining the validity of
19 a purchaser's Firearms Owner's Identification Card.

20 (2) All sellers or transferors who have complied
21 with the requirements of subparagraph (1) of this
22 paragraph (k) shall not be liable for damages in any
23 civil action arising from the use or misuse by the
24 transferee of the firearm transferred, except for
25 willful or wanton misconduct on the part of the seller
26 or transferor.

1 (1) Not being entitled to the possession of a firearm,
2 delivers the firearm, knowing it to have been stolen or
3 converted. It may be inferred that a person who possesses a
4 firearm with knowledge that its serial number has been
5 removed or altered has knowledge that the firearm is stolen
6 or converted.

7 (B) Paragraph (h) of subsection (A) does not include
8 firearms sold within 6 months after enactment of Public Act
9 78-355 (approved August 21, 1973, effective October 1, 1973),
10 nor is any firearm legally owned or possessed by any citizen or
11 purchased by any citizen within 6 months after the enactment of
12 Public Act 78-355 subject to confiscation or seizure under the
13 provisions of that Public Act. Nothing in Public Act 78-355
14 shall be construed to prohibit the gift or trade of any firearm
15 if that firearm was legally held or acquired within 6 months
16 after the enactment of that Public Act.

17 (C) Sentence.

18 (1) Any person convicted of unlawful sale or delivery
19 of firearms in violation of paragraph (c), (e), (f), (g),
20 or (h) of subsection (A) commits a Class 4 felony.

21 (2) Any person convicted of unlawful sale or delivery
22 of firearms in violation of paragraph (b) or (i) of
23 subsection (A) commits a Class 3 felony.

24 (3) Any person convicted of unlawful sale or delivery
25 of firearms in violation of paragraph (a) of subsection (A)
26 commits a Class 2 felony.

1 (4) Any person convicted of unlawful sale or delivery
2 of firearms in violation of paragraph (a), (b), or (i) of
3 subsection (A) in any school, on the real property
4 comprising a school, within 1,000 feet of the real property
5 comprising a school, at a school related activity, or on or
6 within 1,000 feet of any conveyance owned, leased, or
7 contracted by a school or school district to transport
8 students to or from school or a school related activity,
9 regardless of the time of day or time of year at which the
10 offense was committed, commits a Class 1 felony. Any person
11 convicted of a second or subsequent violation of unlawful
12 sale or delivery of firearms in violation of paragraph (a),
13 (b), or (i) of subsection (A) in any school, on the real
14 property comprising a school, within 1,000 feet of the real
15 property comprising a school, at a school related activity,
16 or on or within 1,000 feet of any conveyance owned, leased,
17 or contracted by a school or school district to transport
18 students to or from school or a school related activity,
19 regardless of the time of day or time of year at which the
20 offense was committed, commits a Class 1 felony for which
21 the sentence shall be a term of imprisonment of no less
22 than 5 years and no more than 15 years.

23 (5) Any person convicted of unlawful sale or delivery
24 of firearms in violation of paragraph (a) or (i) of
25 subsection (A) in residential property owned, operated, or
26 managed by a public housing agency or leased by a public

1 housing agency as part of a scattered site or mixed-income
2 development, in a public park, in a courthouse, on
3 residential property owned, operated, or managed by a
4 public housing agency or leased by a public housing agency
5 as part of a scattered site or mixed-income development, on
6 the real property comprising any public park, on the real
7 property comprising any courthouse, or on any public way
8 within 1,000 feet of the real property comprising any
9 public park, courthouse, or residential property owned,
10 operated, or managed by a public housing agency or leased
11 by a public housing agency as part of a scattered site or
12 mixed-income development commits a Class 2 felony.

13 (6) Any person convicted of unlawful sale or delivery
14 of firearms in violation of paragraph (j) of subsection (A)
15 commits a Class A misdemeanor. A second or subsequent
16 violation is a Class 4 felony.

17 (7) Any person convicted of unlawful sale or delivery
18 of firearms in violation of paragraph (k) of subsection (A)
19 commits a Class 4 felony, except that a violation of
20 subparagraph (1) of paragraph (k) of subsection (A) shall
21 not be punishable as a crime or petty offense. A third or
22 subsequent conviction for a violation of paragraph (k) of
23 subsection (A) is a Class 1 felony.

24 (8) A person 18 years of age or older convicted of
25 unlawful sale or delivery of firearms in violation of
26 paragraph (a) or (i) of subsection (A), when the firearm

1 that was sold or given to another person under 18 years of
2 age was used in the commission of or attempt to commit a
3 forcible felony, shall be fined or imprisoned, or both, not
4 to exceed the maximum provided for the most serious
5 forcible felony so committed or attempted by the person
6 under 18 years of age who was sold or given the firearm.

7 (9) Any person convicted of unlawful sale or delivery
8 of firearms in violation of paragraph (d) of subsection (A)
9 commits a Class 3 felony.

10 (10) Any person convicted of unlawful sale or delivery
11 of firearms in violation of paragraph (l) of subsection (A)
12 commits a Class 2 felony if the delivery is of one firearm.
13 Any person convicted of unlawful sale or delivery of
14 firearms in violation of paragraph (l) of subsection (A)
15 commits a Class 1 felony if the delivery is of not less
16 than 2 and not more than 5 firearms at the same time or
17 within a one year period. Any person convicted of unlawful
18 sale or delivery of firearms in violation of paragraph (l)
19 of subsection (A) commits a Class X felony for which he or
20 she shall be sentenced to a term of imprisonment of not
21 less than 6 years and not more than 30 years if the
22 delivery is of not less than 6 and not more than 10
23 firearms at the same time or within a 2 year period. Any
24 person convicted of unlawful sale or delivery of firearms
25 in violation of paragraph (l) of subsection (A) commits a
26 Class X felony for which he or she shall be sentenced to a

1 term of imprisonment of not less than 6 years and not more
2 than 40 years if the delivery is of not less than 11 and
3 not more than 20 firearms at the same time or within a 3
4 year period. Any person convicted of unlawful sale or
5 delivery of firearms in violation of paragraph (1) of
6 subsection (A) commits a Class X felony for which he or she
7 shall be sentenced to a term of imprisonment of not less
8 than 6 years and not more than 50 years if the delivery is
9 of not less than 21 and not more than 30 firearms at the
10 same time or within a 4 year period. Any person convicted
11 of unlawful sale or delivery of firearms in violation of
12 paragraph (1) of subsection (A) commits a Class X felony
13 for which he or she shall be sentenced to a term of
14 imprisonment of not less than 6 years and not more than 60
15 years if the delivery is of 31 or more firearms at the same
16 time or within a 5 year period.

17 (D) For purposes of this Section:

18 "School" means a public or private elementary or secondary
19 school, community college, college, or university.

20 "School related activity" means any sporting, social,
21 academic, or other activity for which students' attendance or
22 participation is sponsored, organized, or funded in whole or in
23 part by a school or school district.

24 (E) A prosecution for a violation of paragraph (k) of
25 subsection (A) of this Section may be commenced within 6 years
26 after the commission of the offense. A prosecution for a

1 violation of this Section other than paragraph (g) of
2 subsection (A) of this Section may be commenced within 5 years
3 after the commission of the offense defined in the particular
4 paragraph.

5 (Source: P.A. 96-190, eff. 1-1-10; 97-227, eff. 1-1-12; 97-347,
6 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1167, eff. 6-1-13.)

7 (720 ILCS 5/24-4.1 new)

8 Sec. 24-4.1. Report of lost or stolen firearms.

9 (a) If a person who possesses a valid Firearm Owner's
10 Identification Card and who possesses or acquires a firearm
11 thereafter loses the firearm, or if the firearm is stolen from
12 the person, the person must report the loss or theft to the
13 local law enforcement agency within 72 hours after obtaining
14 knowledge of the loss or theft.

15 (b) A law enforcement agency having jurisdiction shall take
16 a written report and shall, as soon as practical, enter the
17 firearm's serial number as stolen into the Law Enforcement
18 Agencies Data System (LEADS).

19 (c) A person shall not be in violation of this Section if:

20 (1) the failure to report is due to an act of God, act
21 of war, or inability of a law enforcement agency to receive
22 the report;

23 (2) the person is hospitalized, in a coma, or is
24 otherwise seriously physically or mentally impaired as to
25 prevent the person from reporting; or

1 (3) the person's designee makes a report if the person
2 is unable to make the report.

3 (d) Sentence. A person who violates this Section is guilty
4 of a petty offense for a first violation. A second or
5 subsequent violation of this Section is a Class A misdemeanor.

6 Section 95. No acceleration or delay. Where this Act makes
7 changes in a statute that is represented in this Act by text
8 that is not yet or no longer in effect (for example, a Section
9 represented by multiple versions), the use of that text does
10 not accelerate or delay the taking effect of (i) the changes
11 made by this Act or (ii) provisions derived from any other
12 Public Act.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.".